

REMARKS

This Response is submitted in response to the Office Action mailed on February 28, 2003.

Further to the interview of March 10, 2003, Applicant again respectfully submits that this election of species requirement is not proper. Specifically, pursuant to M.P.E.P. § 803, a restriction requirement is proper **only if**: (1) the inventions are independent or distinct as claimed, **and** (2) there would be a serious burden on the Examiner if the restriction is not required [emphasis added]. Applicant contends that it clearly would not be unduly burdensome for the Examiner if the restriction requirement were not required. Accordingly, Applicant again respectfully requests that the election be withdrawn and request that all of the claims be examined, i.e., Claims 1-7 and 9-24.

Furthermore, the Patent Office states that the "(S)pecies I, as claimed in claim 1, a package comprising a housing, a sheet inside the housing, and consumable products attached directly to the wrapped sheet..."[emphasis in original]. Applicant wishes to clarify for the record that this is not factually correct. Claim 1 does not require that the product is directly attached to the sheet.

Turning to the merits of the Office Action, Claims 1, 2, 4, 5, 7, 9-11 and 13 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 924,275 ("*Richardson*"). In addition, Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by both U.S. Patent No. 1,751,208 ("*Kappes*") and U.S. Patent No. 2,085,728 ("*Clark*"), respectively. Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Richardson* in view of U.S. Patent No. 3,881,649 ("*Krautsack*") and Official Notice. In response, Claim 1 has been amended to incorporate the limitation of Claim 8, now cancelled. In addition, Claims 6 and 14 have been amended to include all of the limitations of the base claim and any intervening claims.

The present invention, as now claimed, provides a package for housing consumable products having a housing and a sheet disposed inside the housing. A plurality of consumable products are releaseably attached to either side of the sheet, the products configured within the housing so that a consumer can grasp and remove at least one of the consumable products from

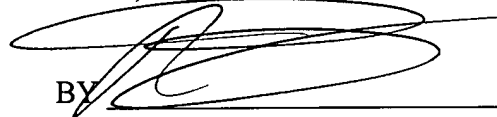
the sheet and the housing. The invention also provides a package in which the sheet includes a plurality of adhesive areas and the consumable products releaseably adhere to the adhesive areas of the sheet. The adhesive areas are heat activated to adhere the consumable products to the sheet. Further, invention provides a package which includes a plurality of sheets disposed inside the housing and the consumable products are releaseably attached to either side of each of the plurality of sheets.

As acknowledged by the Patent Office, Claims 6 and 14 would be allowable if amended into independent form to include all of the limitations of the base claim and any intervening claims. See OA at 5. Applicant has amended the claims in accordance with the Patent Office's suggestion. Accordingly, Applicant submits that each of the above-cited rejections have been overcome and request withdrawal of same.

For the foregoing reasons, Applicant respectfully requests reconsideration of their patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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